



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

ED-186
KB

December 20, 2004

Mr. Sidney L. Strickland, Jr.
Burlington Northern Santa Fe Railway Company
700 13th Street, NW
Suite 220
Washington, DC 20005-5915

Re: STB Docket No. AB 6 (Sub-No. 401X), The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – Polk County, Iowa

Dear Mr. Strickland:

As you know, in STB Docket No. AB 6 (Sub-No. 401X), the Surface Transportation Board's Section of Environmental Analysis (SEA) issued an Environmental Assessment (EA) analyzing the potential environmental effects of a 1.88 mile rail line abandonment proposed by The Burlington Northern and Santa Fe Railway Company (BNSF) in Des Moines, Iowa. In the EA, SEA recommended three environmental conditions. Two of the conditions required BNSF to consult with the Iowa Department of Natural Resources prior to/during salvage activities. The third condition required BNSF to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. SEA issued the EA for public review and comment on July 23, 2004. No comments were received. The Board imposed the conditions recommended by SEA in a decision served August 16, 2004.

Recently, SEA has been contacted by Karen Theimer-Brown of the Advisory Council on Historic Preservation (ACHP) raising concerns that portions of rail line at issue in STB Docket No. AB 6 (Sub-No. 401X) were transferred prior to the time that BNSF received abandonment authority from the Board. Ms. Theimer-Brown has raised potentially significant concerns about lack of public and tribal notification and involvement, and stated that ACHP's ability to comment in this undertaking may have been foreclosed.

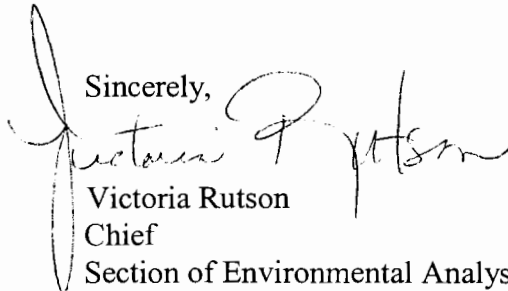
As a result of Ms. Theimer-Brown's call, I am now concerned that the environmental conditions recommended by SEA and imposed by the Board in STB Docket No. AB-6 (Sub-No. 401X) might be meaningless, if in fact BNSF no longer owned the rail line it was proposing to

abandon, therefore, possibly undermining the integrity of the Board's abandonment process. To address SEA's concerns and enable us to respond effectively to ACHP, I am requesting that you provide the information described below.

Specifically, SEA needs detailed information from BNSF describing what has occurred regarding ownership of the rail line. We request a detailed chronology of what ownership transactions have taken place, the parties involved in the transactions, the date of those transactions, and the mileposts involved. I understand that Ken Blodgett of my staff has contacted you and advised you to compile this information.

Furthermore, I need information on the steps taken by BNSF in this proceeding to comply with the section 106 process condition that the Board imposed. This would include any information on historic sites and structures that have been or may be prepared by BNSF, any tribal consultations and public involvement that have been or may be conducted, and any consultations between BNSF and the Iowa State Historic Preservation Officer. ACHP is specifically interested in information explaining how adverse effects to historic resources have been or may be resolved.

Please provide the requested information to SEA by January 10, 2005. If you have any questions, please feel free to contact Ken Blodgett at (202) 565-1554. We look forward to your prompt attention to this matter.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis